UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	10/826,879	GATTU ET AL.
Office Action Summary	Examiner	Art Unit	
	JOSEPH L. GREENE	2451	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>20 October 2008</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-24</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1 – 24 are currently pending in this application.

2.   Claims 1, 7, and 13 are amended as filed on 10/20/2008.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4.   **Claims 1-24 are rejected under 35 U.S.C. 101 as being directed towards non-statutory subject matter.**

5.   With respect to claims 1, 7, and 13, they contain the limitations "**executable by processing circuitry associated with said first object-oriented telecommunication device.**" However, the applicant's specification defines processing circuitry, in section 0010, as: "**to address the above-discussed deficiencies of the prior art, it is a primary object of the present invention to provide, for use in a communication network, a first object-oriented telecommunication device capable of communicating with a second object-oriented telecommunication device in the communication network. According to an advantageous embodiment of the present invention, the first object-oriented telecommunication device comprises: 1) a plurality of objects executable by processing circuitry associated with the first object-oriented telecommunication device; and 2) an object conduit**

management information base (MIB) manager capable of gathering data from one

or more of the plurality of objects and generating therefrom a management

information base (MIB) data structure suitable for communicating with the second

object-oriented telecommunication device using a specified protocol interface."

The above mentioned definition does not describe the processing circuitry as

being a direct part of the claimed system. Furthermore, the applicant's specification

defines the term associated with, in section 0016, as: "**before undertaking the**

DETAILED DESCRIPTION OF THE INVENTION below, it may be advantageous to

set forth definitions of certain words and phrases used throughout this patent

document: the terms ""include"" and ""comprise,"" as well as derivatives

thereof, mean inclusion without limitation; the term ""or,"" is inclusive, meaning

and/or; the phrases ""associated with"" and ""associated therewith,"" as well as

derivatives thereof, may mean to include, be included within, interconnect with,

contain, be contained within, connect to or with, couple to or with, be

communicable with, cooperate with, interleave, juxtapose, be proximate to, be

bound to or with, have, have a property of, or the like." It can be seen that the term

associated with refers to elements both internal and external to the system. Thus,

evidence is provided that the circuitry is not part of the claimed invention and because

there are no other hardware elements present in the claims, the claims are directed

towards software per se, which is not one of the statutory categories of invention.

6.   Furthermore, claims 2-6, 8-12, and 14-24 are dependent upon claims 1, 7, and

13 (respectively) and are thus, also rejected.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   **Claims 1-6 and 13-24 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Gieseke et al. (Pre-Grant Publication No. US 2003/0069955 A1),

hereinafter Gieseke, in view of Lavian et al. (Patent No. US 7,433,941 B1),

hereinafter Lavian, and in view of Applicant's own Admitted Prior-Art, hereinafter

AAPA.

9.   With respect to claim 1, Gieseke taught a system **for use in a communication**

network, a first object-oriented device (0012, lines 1-6) **capable of communicating**

with an object-oriented device in said communication network (0011, lines 1-6,

where the responding is the communicating with the first device**), said first object-**

oriented device comprising: a plurality of objects executable by processing

circuitry associated with said first object-oriented device (0012, lines 1-11)**; and an**

object conduit management information base (MIB) manager (0042, lines 1-10,

where the SNMP Agent or the configuration server both perform the tasks of the conduit

MIB i.e. gathering, parsing, mapping, and conveying data from MIB objects and
transferring the data to another MIB object) **capable of gathering data from one or
more of said plurality of objects and generating therefrom a management
information base (MIB) data structure** (0042, lines 19-22) **suitable for
communicating with said object-oriented device using a specified protocol
interface** (0011, lines 1-6, where the responding is the communicating with the first
device. Furthermore, it is inherent that there will be a specific protocol for use in a
network).

Gieseke also taught **wherein a first object of said plurality of objects is
capable of invoking a method of an object executable by processing circuitry
associated with said second object-oriented telecommunication device using
said MIB data structure** (0011, lines 1-6, where the configuration input data is send
from the first object-oriented device and received at the second object-oriented device.
In responding to the request for configuration information, a method is being invoked in
the second object-oriented device. Since the request was transferred from the first
object-oriented device, the first object-oriented device invoked a method in the second
object-oriented device) **representing a plurality of objects in said object-oriented
telecommunication device** (0011, lines 1-6).

However, while Gieseke taught manipulating a plurality of objects within an
object oriented device, Gieseke did not explicitly state a first device invoking methods
and communicating with a second device. On the other hand, Lavian did teach a first
device invoking methods and communicating with a second device (column 4, lines 18-

26 and column 5, lines 6-11, where the first device invoked the method in the second

device that told it to return the information about the connected terminal). Both the

systems Gieseke and Lavian are directed towards managing SNMP devices and

therefore, it would have been obvious to a person or ordinary skill in the art at the time

of the invention to combine the teachings of Gieseke with remote access of another

device, as taught by Lavian, in order to apply direct use to Gieseke's SNMP agents and

thus; provide a more marketable product.

     While the combination of Gieseke and Lavian did not explicitly state the device

being a telecommunication device, the elements listed can be used for that purpose.

Furthermore, AAPA did teach telecommunication devices (0004, lines 1-10). It would

have been obvious to a person of ordinary skill, in the art at the time of the invention, to

modify the teachings of Gieseke and Lavian in order to perform telecommunication

tasks, as taught by AAPA. Telecommunication is and was a highly sought after field in

computer networks. Setting up a telecommunication network would likely have been

one of the uses for the system taught by Gieseke even though it wasn't directly

disclosed.

10.   As for claim 2, it is rejected on the same basis as claim 1 above. In addition,

Gieseke taught **wherein said specified protocol interface is Simple Network**

Management Protocol (SNMP) (0010, lines 1-3).

11.   As for claim 3, it is rejected on the same basis as claim 1 above. In addition,
Gieseke taught **wherein said MIB data structure comprises an object identifier (ID)
associated with a target object in said second object-oriented telecommunication
device** (0050, lines 6-8).

12.   As for claim 4, it is rejected on the same basis as claim 3 above. In addition,
Gieseke taught **wherein said MIB data structure comprises a target method 1D**
(0050, lines 6-8) **identifying a selected method associated with said target object
and at least one method parameter associated with said selected method** (0050,
lines 8-14).

13.   As for claim 5, it is rejected on the same basis as claim 4 above. In addition,
Gieseke taught **wherein said object conduit MIB manager comprises an interface
controller** (0042, lines 6-10, where configuration objects act as an interface controller)
**capable of communicating with said one or more of said plurality of objects and
gathering said data from said one or more of said plurality of objects** (0012, lines
1-11).

14.   As for claim 6, it is rejected on the same basis as claim 1 above. In addition,
Gieseke taught **wherein said object conduit management information base (MIB)
manager is further capable of receiving a response MIB data structure from said
second object-oriented telecommunication device** (0011, lines 1-6, where the

responding is the communicating with the first device), **extracting data from said**

response MIB data structure (0042, lines 10-15), **and distributing said extracted**

data to said one or more of said plurality of objects (0012, lines 1-11).

15.   With respect to claim 13, Gieseke taught **a communication network**

comprising: a first object-oriented device (0012, lines 1-6) **capable of**

communicating with an object-oriented device in said communication network

(0011, lines 1-6, where the responding is the communicating with the first device), **said**

first object-oriented device comprising: a plurality of objects executable by

processing circuitry associated with said first object-oriented device (0012, lines

1-11)**; and an object conduit management information base (MIB) manager** (0042,

lines 1-10, where the SNMP Agent or the configuration server both perform the tasks of

the conduit MIB i.e. gathering, parsing, mapping, and conveying data from MIB objects

and transferring the data to another MIB object) **capable of gathering data from one**

or more of said plurality of objects and generating therefrom a management

information base (MIB) data structure (0042, lines 19-22) **suitable for**

communicating with said object-oriented device using a specified protocol

interface (0011, lines 1-6, where the responding is the communicating with the first

device. Furthermore, it is inherent that there will be a specific protocol for use in a

network)**.**

        Gieseke also taught **wherein a first object of said plurality of objects is**

capable of invoking a method of an object executable by processing circuitry

associated with said second object-oriented telecommunication device using

said MIB data structure (0011, lines 1-6, where the configuration input data is send

from the first object-oriented device and received at the second object-oriented device.

In responding to the request for configuration information, a method is being invoked in

the second object-oriented device. Since the request was transferred from the first

object-oriented device, the first object-oriented device invoked a method in the second

object-oriented device) **representing a plurality of objects in said object-oriented**

telecommunication device (0011, lines 1-6).

However, while Gieseke taught manipulating a plurality of objects within an

object oriented device, Gieseke did not explicitly state a first device invoking methods

and communicating with a second device. On the other hand, Lavian did teach a first

device invoking methods and communicating with a second device (column 4, lines 18-

26 and column 5, lines 6-11, where the first device invoked the method in the second

device that told it to return the information about the connected terminal). Both the

systems Gieseke and Lavian are directed towards managing SNMP devices and

therefore, it would have been obvious to a person or ordinary skill in the art at the time

of the invention to combine the teachings of Gieseke with remote access of another

device, as taught by Lavian, in order to apply direct use to Gieseke's SNMP agents and

thus; provide a more marketable product.

While the combination of Gieseke and Lavian did not explicitly state the device

being a telecommunication device, the elements listed can be used for that purpose.

Furthermore, AAPA did teach telecommunication devices (0004, lines 1-10). It would

have been obvious to a person of ordinary skill, in the art at the time of the invention, to

modify the teachings of Gieseke and Lavian in order to perform telecommunication

tasks, as taught by AAPA. Telecommunication is and was a highly sought after field in

computer networks. Setting up a telecommunication network would likely have been

one of the uses for the system taught by Gieseke even though it wasn't directly

disclosed.

16.   As for claim 14, it is rejected on the same basis as claim 13 above. In addition,

Gieseke taught **wherein said specified protocol interface is Simple Network**

Management Protocol (SNMP) (0010, lines 1-3).

17.   As for claim 15, it is rejected on the same basis as claim 13 above. In addition,

Gieseke taught **wherein said MIB data structure comprises an object identifier (ID)**

associated with a target object in said second object-oriented telecommunication

device (0050, lines 6-8).

18.   As for claim 16, it is rejected on the same basis as claim 15 above. In addition,

Gieseke taught **wherein said MIB data structure comprises a target method ID**

(0050, lines 6-8) **identifying a selected method associated with said target object**

and at least one method parameter associated with said selected method (0050,

lines 8-14).

19.   As for claim 17, it is rejected on the same basis as claim 16 above. In addition,

Gieseke taught **wherein said object conduit MIB manager comprises an interface**

controller (0042, lines 6-10, where configuration objects act as an interface controller)

capable of communicating with said one or more of said plurality of objects and

gathering said data from said one or more of said plurality of objects (0012, lines

1-11).

20.   As for claim 18, it is rejected on the same basis as claim 13 above. In addition,

Gieseke taught **wherein said object conduit management information base (MIB)**

manager (0042, lines 1-10, where the SNMP agent and configuration server carries out

the job of the conduit MIB) **is further capable of receiving a response MIB data**

structure from said second object-oriented telecommunication device (0011, lines

1-6, where each device is capable of receiving and responding**), extracting data from**

said response MIB data structure, and distributing said extracted data to said one

or more of said plurality of objects (0042, lines 10-15).

21.   As for claim 19, it is rejected on the same basis as claim 13 above. In addition,

Gieseke taught **wherein said second object-oriented telecommunication device**

(0011, lines 1-6, where the responding is the communicating with the first device)

comprises: a plurality of objects executable by processing circuitry associated

with said second object-oriented telecommunication device (0012, lines 1-11);

and an object conduit management information base (MIB) agent capable of

receiving said management information base (MIB) data structure from said first

object-oriented telecommunication device (0042, lines 1-10, where the SNMP Agent

or the configuration server both perform the tasks of the conduit MIB), **extracting data**

from said received MIB data structure (0042, lines 10-15), and distributing said

extracted data to one or more of said plurality of objects (0012, lines 1-11).

22.   As for claim 20, it is rejected on the same basis as claim 19 above. In addition,

Gieseke taught **wherein said specified protocol interface is Simple Network**

Management Protocol (SNMP) (0010, lines 1-3).

23.   As for claim 21, it is rejected on the same basis as claim 19 above. In addition,

Gieseke taught **wherein said MIB data structure comprises an object identifier (ID)**

(0050, lines 6-8) **associated with a target one of said one or more of said plurality**

of objects in said first object-oriented telecommunication device (0012, lines 1-11,

where the information listed is the pointed to plurality of objects).

24.   As for claim 22, it is rejected on the same basis as claim 21 above. In addition,

Gieseke taught **wherein said MIB data structure comprises a target method ID**

(0050, lines 6-8) **identifying a selected method associated with said target object**

and at least one method parameter associated with said selected method (0050,

lines 8-14).

25.   As for claim 23, it is rejected on the same basis as claim 22 above. In addition,
Gieseke taught **wherein said object conduit MIB agent comprises an interface
controller** (0042, lines 6-10, where configuration objects act as an interface controller)
capable of communicating with said one or more of said plurality of objects
(0011, lines 1-6, where responding is communicating) **and distributing said extracted
data to said one or more of said plurality of objects** (0042, lines 10-15).

26.   As for claim 24, it is rejected on the same basis as claim 19 above. In addition,
Gieseke taught **wherein said object conduit MIB agent** (0042, lines 1-10, where the
SNMP agent and configuration server perform the operations of the conduit MIB) **is
further capable of gathering data from said one or more of said plurality of
objects in said second object-oriented telecommunication devices** (0012, lines
1-11) **and generating therefrom a response management information base (MIB)
data structure** (0042, lines 19-22) **suitable for communicating with said first object-
oriented device using a specified protocol interface** (0011, lines 1-6, where the
responding is the communicating with the first device. Furthermore, it is inherent that
there will be a specific protocol for use in a network**).**

27.   **Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Gieseke, and in view of AAPA.**

28.   With respect to claim 7, Gieseke taught a system **for use in a communication**

network, a first object-oriented device (0012, lines 1-6) **capable of communicating**

with an object-oriented device in said communication network (0011, lines 1-6,

where the responding is the communicating with the first device)**, said first object-**

oriented device comprising: a plurality of objects executable by processing

circuitry associated with said first object-oriented device (0012, lines 1-11)**; and an**

object conduit management information base (MIB) manager (0042, lines 1-10,

where the SNMP Agent or the configuration server both perform the tasks of the conduit

MIB i.e. gathering, parsing, mapping, and conveying data from MIB objects and

transferring the data to another MIB object) **capable of receiving a management**

information base (MIB) data structure from said object-oriented

telecommunication device using a specified protocol interface (0011, lines 1-6,

where the responding is the communicating with the first device. Furthermore, it is

inherent that there will be a specific protocol for use in a network)**, extracting data from**

said received MIB data structure (0042, lines 10-15), and distributing said

extracted data to one or more of said plurality of objects (0012, lines 1-11).

         Gieseke also taught **wherein said object conduit MIB agent is capable of**

invoking a method of a first object of said plurality of objects using said MIB data

structure (0011, lines 1-6, where the configuration input data is sent from the first

object-oriented device and received at the second object-oriented device. In

responding to the request for configuration information, a method is being invoked in the

second object-oriented device. Since the request was transferred from the first object-

oriented device, the first object-oriented device invoked a method in the second object-oriented device).

      While Gieseke did not explicitly state the device being a telecommunication device, the elements listed can be used for that purpose. Furthermore, AAPA did teach telecommunication devices (0004, lines 1-10). It would have been obvious to a person of ordinary skill, in the art at the time of the invention, to modify the teachings of Gieseke and Lavian in order to perform telecommunication tasks, as taught by AAPA. Telecommunication is and was a highly sought after field in computer networks. Setting up a telecommunication network would likely have been one of the uses for the system taught by Gieseke even though it wasn't directly disclosed.

29.   As for claim 8, it is rejected on the same basis as claim 7 above. In addition, Gieseke taught **wherein said specified protocol interface is Simple Network Management Protocol (SNMP)** (0010, lines 1-3).

30.   As for claim 9, it is rejected on the same basis as claim 7 above. In addition, Gieseke taught **wherein said MIB data structure comprises an object identifier (ID)** (0050, lines 6-8) **associated with a target one of said one or more of said plurality of objects in said first object-oriented telecommunication device** (0012, lines 1-11, where the information listed is the pointed to plurality of objects).

31.   As for claim 10, it is rejected on the same basis as claim 9 above. In addition,

Gieseke taught **wherein said MIB data structure comprises a target method ID**

(0050, lines 6-8) identifying a selected method associated with said target object

and at least one method parameter associated with said selected method (0050,

lines 8-14).

32.   As for claim 11, it is rejected on the same basis as claim 10 above. In addition,

Gieseke taught **wherein said object conduit MIB agent comprises an interface**

controller (0042, lines 6-10, where configuration objects act as an interface controller)

capable of communicating with said one or more of said plurality of objects

(0011, lines 1-6, where responding is communicating) **and distributing said extracted**

data to said one or more of said plurality of objects (0042, lines 10-15).

33.   As for claim 12, it is rejected on the same basis as claim 7 above. In addition,

Gieseke taught **wherein said object conduit MIB agent is further capable of**

gathering data from said one or more of said plurality of objects and generating

therefrom a response management information base (MIB) data structure (0042,

lines 19-22) **suitable for communicating with said second object-oriented**

telecommunication device using said specified protocol interface (0011, lines 1-6,

where the responding is the communicating with the first device. Furthermore, it is

inherent that there will be a specific protocol for use in a network)**.**

Response to Arguments

34.   Applicant's arguments with respect to the claims have been considered but are

moot in view of the new ground(s) of rejection.

35.   Applicant also argues on page 13 that **"the applicants are unable to find in**

Gieseke any description of such messages including an MIB data structure."

However, Upon viewing sections 0040, lines 5-7 and section 0059, lines 2-7, the

system performs its functions utilizing MIBs. Furthermore, an MIB data structure is an

inherent property as, by definition, an MIB is a structured set of data.

Conclusion

36.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

     (a) Gupta (Pre-Grant Publication No. US 2003/0009543 A1), a network

          management system that utilizes remote access.

37.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JOSEPH L. GREENE whose telephone number is

(571)270-3730. The examiner can normally be reached on Monday - Thursday from

9:00 AM to 4:00 PM.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLG

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451